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and JAMES B. BOYD

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION** \*E-FILED - 10/6/05\*

In re ESS TECHNOLOGY, INC.  
SECURITIES LITIGATION

Master File No. C-02-4497-RMW

**CLASS ACTION**

This Document Relates To:  
  
ALL ACTIONS.

**STIPULATION RE: BRIEFING  
SCHEDULE AND HEARING DATE ON  
MOTION FOR CLASS  
CERTIFICATION; AND ORDER  
THEREON**

**RECITALS**

1. **Whereas**, Plaintiffs filed a motion for class certification (“Motion”) and scheduled a hearing thereon in this Court for July 22, 2005;
2. **Whereas**, pursuant to the parties’ June 1, 2005 stipulation, Defendants’ Opposition to the Motion was due September 1, 2005 and Plaintiff’s Reply was due October 14, 2005;
3. **Whereas**, Defendants were delayed in serving class certification discovery requests on Plaintiffs until May 13, 2005 due to the death of the parents of Defendants’ lead counsel;
4. **Whereas**, Plaintiffs served written objections and responses to Defendants’ class certification discovery requests on June 22, 2005;
5. **Whereas**, Plaintiffs served class certification discovery on Defendants on July 5, 2005;
6. **Whereas**, Defendants served written objections and responses to Plaintiffs’ class certification discovery requests on August 17, 2005;
7. **Whereas**, Plaintiffs and Defendants are continuing meet and confer efforts regarding Defendants’ and Plaintiffs’ discovery requests and responses;
8. **Whereas**, Plaintiffs and Defendants are continuing to produce documents responsive to class certification discovery;
9. **Whereas**, because such document production is still ongoing, Defendants have not taken and cannot yet take the deposition of the proposed class representative, lead plaintiff Steve Bardack;
10. **Whereas**, Plaintiffs and Defendants have met and conferred regarding an appropriate briefing schedule for the Motion;

**STIPULATION OF THE PARTIES**

**THEREFOR**, Plaintiffs and Defendants, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. The hearing on the motion for class certification will be January 13, 2006.
2. Defendants shall file their opposition papers on or before December 2, 2005.

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1 3. Plaintiffs shall file any reply papers on or before December 30, 2005.

2  
3 DATED: August 30, 2005

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

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5 By: /s/ John K. Grant  
John K. Grant  
6 Attorneys for Plaintiffs

7  
8 DATED: August 30, 2005

O'MELVENY & MYERS LLP

9  
10 By: /s/ Joshua D. Baker  
Joshua D. Baker  
11 Attorneys for Defendants  
12 ESS Technology, Inc., Robert L. Blair, Patrick Ang,  
Frederick S. L. Chan, and James B. Boyd

**ORDER**

The Court, having considered the recitals and stipulation of the parties, and good cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

1. The hearing on Plaintiffs' motion for class certification will be January 13, 2006.
2. Defendants shall file their opposition papers on or before December 2, 2005.
3. Plaintiffs shall file any reply papers on or before December 30, 2005.

DATED: 10/6, 2005

/S/ RONALD M. WHYTE

United States District Court Judge

I, Joshua D. Baker, am the ECF User whose ID and password are being used to file this stipulation re-setting the hearing on class certification and extending the briefing schedule for the same. In compliance with General Order 45, X.B., I hereby attest that John K. Grant has concurred in this filing.